

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

RODNEY SHEPHERD §  
VS. § CIVIL ACTION NO. 9:18cv9  
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION AND ORDER

The court previously entered a Final Judgment dismissing this petition for writ of habeas corpus. The United States Court of Appeals for the Fifth Circuit denied petitioner's request for a certificate of appealability. Currently pending before the court are two motions for relief from judgment filed by petitioner.

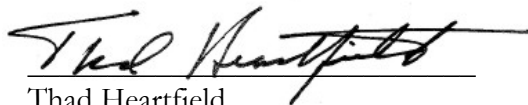
Federal Rule of Civil Procedure 60(b) provides that:

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct of any opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

Petitioner's motions do not rely on any of the reasons for relief from judgment set forth in Rule 60(b).<sup>1</sup> Moreover, the court remains of the opinion this petition was properly dismissed. As a result, petitioner has not shown he is entitled to relief from judgment. It is therefore

**ORDERED** that the motions for relief from judgment (doc. nos. 44 and 46) are **DENIED**.

**SIGNED** this the 14 day of **July, 2022**.



Thad Heartfield  
United States District Judge

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<sup>1</sup> In his motions, petitioner makes reference to this matter being erroneously closed and then reinstated. However, the docket sheet does not indicate that this case was ever closed and then reinstated.